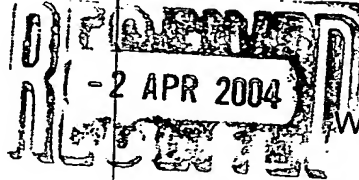


PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

W.P. THOMPSON & CO.
Coopers Building
Church Street
Liverpool L1 3AB
GRANDE BRETAGNE



PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year) 30.03.2004

Applicant's or agent's file reference

P407377 WO JOM I DER.

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.

PCT/GB 03/02609

International filing date (day/month/year)

18.06.2003

Priority date (day/month/year)

18.06.2002

International Patent Classification (IPC) or both national classification and IPC
B08B5/04, B08B5/04

Applicant

AWAZEL WATERPROOFING COMPANY et al.

RESPONSE DUE: 30.6.04

1. This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is:

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Formalities officer (incl. extension of time limits)
Kurzbaumer, K
Telephone No. +49 89 2399-6020



WRITTEN OPINION

International application No. PCT/GB 03/02609

10/518648

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-21 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 17-78

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 17-78

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,3,4,5,8,9,10,12
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Inventive step (IS)	Claims	2,11
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Industrial applicability (IA)	Claims	
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2. Citations and explanations

see separate sheet

1. To point V:

1.1. to independent claims 1 and 10:

Document WO03/022464 discloses a cleaning equipment suitable for cleaning a tank and comprising a suction pipe connected to a pump. The use of such an equipment obviously comprise all the steps listed in claim 1.

Attention of the applicant is drawn to the fact that same remarks do apply to document CA-A-02366079, DE-A-10131419 and US-A-5306351. Moreover, the wording "for cleaning a vessel contaminated with a sludge" does not limit the subject-matter of claim 1 to the cleaning of a vessel since "for" should be read as "suitable for". It is therefore considered that the steps listed in independent claim 1 are the same as the step for use of any industrial vacuum cleaner. Furthermore, the features listed in independent claim 10 are known from an industrial vacuum cleaner. The subject-matter of independent claims 1 and 10 is therefore regarded as not novel.

1.2. To dependent claims 2 and 11:

Using pneumatic means is only one of the numerous possibilities which a skilled person would select if facing the problem to generate vacuum. The subject-matter of claims 2 and 11 is therefore regarded as not inventive.

1.3. To dependent claims 3:

All documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are disclosing systems wherein the suction is generated by pumps. The subject-matter of claim 3 is thus regarded as not novel.

1.4. To dependent claim 4:

All documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are disclosing systems wherein the material to be removed (sludge) is previously contacted by a solvent. The subject-matter of claim 4 is thus regarded as not novel.

1.5. To dependent claim 5:

Document US-A-5306351 discloses in claim 7 a dispersion solution comprising citrus pectin. The subject-matter of claim 5 is therefore regarded as not novel.

1.6. To dependent claim 9:

Since the groups listed in claim 9 are to be found in a oil tank, and since the systems disclosed in documents WO03/022464, CA-A-02366079, DE-A-10131419 and US-A-5306351 are suitable for cleaning of oil tanks, the subject-matter of claim 9 appears to lack novelty.

1.7. To dependent claims 8 and 12:

Document DE-A-19920047 discloses in claims 13 and 14 means for heating the contaminant by way of warm air. The subject-matter of claims 8 and 12 is thus regarded as not novel.

2. Rule 6.2.a. PCT:

Claim 16 does not comply with rule 6.2.a. PCT.

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GRANDE BRETAGNE

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference JMD/DGR/P40737WO		Date of mailing (day/month/year) 20/02/2004	
International application No. PCT/GB03/02609		International filing date (day/month/year) 18/06/2003	
International Patent Classification (IPC) or both national classification and IPC B08B5/04		Priority date (day/month/year) 18/06/2002	
Applicant AWAZEL WATERPROOFING COMPANY et al.			

RESPONSE DUE: 20.4.04

1. This written opinion is the first drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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3. The applicant is hereby invited to reply to this opinion.

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How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18/10/2004

Name and mailing address of the IPEA/ European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Examiner Formalities officer (incl. extension of time limits) Tel. (+49-89) 2399 2828
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I. Basis of the opinion

The basis of this written opinion is the application as originally filed.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been and will not be the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT; see also international search report).

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

1. To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:
2. In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).
3. If amendments are filed, the applicant should comply with the requirements of Rule 66.8 PCT and indicate the basis of the amendments in the documents of the application as originally filed (Article 34 (2) (b) PCT) otherwise these amendments may not be taken into consideration for the establishment of the international preliminary examination report. The attention of the applicant is drawn to the fact that if the application contains an unnecessary plurality of independent claims, no examination of any of the claims will be carried out.

NB: Should the applicant decide to request detailed substantive examination, then an international preliminary examination report will normally be established directly. Exceptionally the examiner may draw up a second written opinion, should this be explicitly requested.